

Message Text

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ACTION L-03

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C O N F I D E N T I A L OTTAWA 0155

E.O. 11652: GDS
TAGS: PBOR, EFIS, CA
SUBJ: GULF OF MAINE

REF: OTTAWA 136

FOLLOWING IS ADVANCE TEXT OF AIDE-MEMOIRE TO BE GIVEN TO AMBAS-
SADOR JANUARY 17 AT 1700 HOURS. GOC ORAL POINTS AND EMBASSY
COMMENTS BY SEPTTEL. BEGIN TEXT: THE DEPARTMENT OF EXTERNAL
AFFAIRS REFERS TO THE EMBASSY'S AIDE-MEMOIRE OF JANUARY 8
AND JANUARY 14, 1977, TO THE RELATED DISCUSSIONS CONCERNING
FISHERIES AND MARITIME BOUNDARIES, AND IN PARTICULAR, TO THE
CANADA-USA NEGOTIATIONS FOR A SHORT-TERM FISHERIES AGREEMENT
BEING HELD FROM JANUARY 17-31, 1977, IN LOS ANGELES.

WITH REGARD TO THE SUGGESTION IN THE AIDE-MEMOIRE OF
JANUARY 8 THAT THE CANADIAN GOVERNMENT IS OF THE VIEW THAT
SHORT-TERM FISHERIES ARRANGEMENTS WOULD INCLUDE PROVISIONS
FOR JOINT CANADA-USA MANAGEMENT OF FISH STOCKS ON THE WHOLE
OF GEORGES BANK, THE DEPARTMENT WISHES TO CONFIRM THAT
CANADA IS NOT SEEKING JOINT MANAGEMENT IN THE SHORT
TERM. RATHER, WHAT IS ESSENTIAL IN THE VIEW OF THE
CANADIAN GOVERNMENT IS THAT THESE ARRANGEMENTS SHOULD
NOT BE PREJUDICIAL TO THE POSITION OF EITHER GOVERNMENT
ON THE BOUNDARIES ISSUE.

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IN THIS CONNECTION THE DEPARTMENT RECALLS THE
PARALLEL STATEMENTS ISSUED BY THE TWO GOVERNMENTS IN
THE CANADA GAZETTE ON NOVEMBER 1, 1976 AND THE FEDERAL
REGISTER ON NOVEMBER 4, 1976, RESPECTIVELY, INTENDED TO
AVOID PREJUDICE "TO ANY NEGOTIATIONS OR ANY POSITIONS
WHICH MAY HAVE BEEN OR MAY BE ADOPTED RESPECTING THE
LIMITS OF MARITIME JURISDICTION". IT WISHES TO RE-

ITERATE ITS VIEW THAT CERTAIN BASIS ELEMENTS IN THE UNITED STATES PROPOSALS OF OCTOBER 28 FOR SHORT-TERM FISHERIES ARRANGEMENTS WERE PREJUDICIAL TO THE POSITION OF THE CANADIAN GOVERNMENT WITH REGARD TO THE SETTLEMENT OF THE BOUNDARIES AND THAT FROM A CANADIAN PERSPECTIVE THIS APPROACH IS THEREFORE NOT AN APPROPRIATE BASIS FOR NEGOTIATIONS. THE DEPARTMENT NOTES WITH INTEREST THE REVISED WORDING ON COASTAL STATE JURISDICTION IN PARAGRAPH 2 OF THE AIDE-MEMOIRE OF JANUARY 14 AND IS PREPARED TO DISCUSS THIS APPROACH IN THE HOPE THAT WHEN DEVELOPED IN CONCRETE TERMS, IT COULD PROVIDE A FRAMEWORK THAT AVOIDS PREJUDICE TO THE POSITIONS OF EITHER GOVERNMENT WITH REGARD TO THE SETTLEMENT OF BOUNDARIES AND RELATED LONG-TERM ARRANGEMENTS.

THE CANADIAN GOVERNMENT IS IN GENERAL AGREEMENT WITH THE ELEMENTS TO BE ADDRESSED IN SHORT-TERM ARRANGEMENTS AS SET OUT IN PARAGRAPH 6 OF THE AIDE-MEMOIRE OF JANUARY 8, ON THE UNDERSTANDING THAT THEY WOULD BE INCORPORATED WITHIN SUCH A NON-PREJUDICIAL FRAMEWORK.

TURNING TO OTHER ELEMENTS IN THE AIDE-MEMOIRE OF JANUARY 14:

A) IT IS THE DEPARTMENT'S VIEW THAT THE SHORT-TERM FISHING ARRANGEMENTS WOULD HAVE TO BE EXTENDED BEYOND DECEMBER 31, 1977 IF A PERMANENT BOUNDARY SETTLEMENT HAS NOT BEEN ACHIEVED IN THE MEANTIME AND THE MATTER CONFIDENTIAL

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IS BEING REFERRED TO A THIRD PARTY.

B) THE DEPARTMENT ASSUMES THE REFERENCE TO A PATTERN OF FISHING CONSISTENT WITH THE STATUS QUO INVOLVES THE USE OF THE ALLOCATIONS ALREADY AGREED BETWEEN CANADA AND THE UNITED STATES IN THE ICNAF CONTEXT.

C) WITH REGARD TO THE REFERENCES TO "JOINT MANAGEMENT", "JOINT SURVEILLANCE", AND "JOINT ENFORCEMENT", THE DEPARTMENT'S VIEW IS THAT THE CANADIAN PROPOSALS AT THE NOVEMBER 18 - 19 FISHERIES CONSULTATIONS DO NOT CONSTITUTE JOINT MANAGEMENT, JOINT SURVEILLANCE, OR JOINT ENFORCEMENT, IN ANY SENSE IMPLYING DUAL JURISDICTION.

D) THE DEPARTMENT NOTES THAT THIRD PARTY PROCEDURE HAS SO FAR BEEN ADDRESSED IN PRINCIPLE BUT AS YET ONLY IN GENERAL TERMS. IN PARTICULAR, FURTHER CONSIDERATION IS NEEDED AS TO WHICH BOUNDARIES MIGHT BE REFERRED TO

THIRD PARTY PROCEDURE. MOREOVER, WITH REGARD TO THE ASSUMPTION IN THE AIDE-MEMOIRE CONCERNING THE BINDING NATURE OF THIRD PARTY PROCEDURE, IT IS THE VIEW OF THE DEPARTMENT THAT AGREEMENT WILL BE NEEDED ON THE NATURE OF THE PROCESS INCLUDING ITS VARIOUS STAGES.

E) FOR THE LONGER TERM, THE DEPARTMENT NOTES THE REFERENCE IN THE PENULTIMATE PARAGRAPH OF THE AIDE-MEMOIRE OF JANUARY 14 TO FOUR ELEMENTS WHICH, IT IS SUGGESTED, WOULD COMPRISE ARRANGEMENTS TO BE NEGOTIATED IN RESPECT TO THE GULF OF MAINE AND WOULD BE CONSIDERED, AS APPROPRIATE, FOR THE OTHER THREE MARITIME BOUNDARY AREAS. THE DEPARTMENT NOTES THE USA AGREEMENT THAT THESE FOUR ELEMENTS - BOUNDARIES, LONG-TERM FISHERY ARRANGEMENTS, LONG-TERM HYDROCARBONS ARRANGEMENTS, AND ARRANGEMENTS REGARDING MARINE POLLUTION - ARE INTERRELATED AND WILL NEED TO BE ADDRESSED. THE DEPARTMENT WISHES TO CONFIDENTIAL

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POINT OUT THAT NO AGREEMENT HAD YET BEEN REACHED AS TO HOW THESE ELEMENTS MIGHT BE TREATED; NOR HAS IT YET BEEN AGREED THAT THERE SHOULD BE A SIMILAR TREATMENT FOR THE VARIOUS BOUNDARY AREAS. THESE ARE MATTERS FOR FURTHER CONSIDERATION.

THE EFFORTS OF THE GOVERNMENT OF THE UNITED STATES TO FACILITATE NEGOTIATION OF MARITIME BOUNDARIES AND RELATED ISSUES ARE APPRECIATED. THE CANADIAN GOVERNMENT FOR ITS PART IS EQUALLY CONCERNED THAT NEGOTIATIONS MOVE FORWARD EXPEDITIOUSLY. TO THIS END, THE GOVERNMENT OF CANADA IS APPROACHING THE JANUARY 17 NEGOTIATIONS WITH EVERY INTENTION OF CONCLUDING A SHORT-TERM FISHERIES AGREEMENT THAT WILL ALLOW TIME FOR NEGOTIATIONS TO PROCEED IN A FAVOURABLE ATMOSPHERE TOWARDS THE SETTLEMENT OF THE BOUNDARIES AND LONG-TERM RECIPROCAL RESOURCE ARRANGEMENTS. END TEXT.
ENDERS

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